



# FLORIDA BICYCLE ACCIDENT GUIDE

*What To Do If You're  
Seriously Injured In A Bicycle Accident*



If you have been involved in a bike accident here in the Tampa Bay area, you may be feeling frightened about what the future holds for you. There may be medical bills you are having a hard time paying because of missed time at work. There may be no way for you to get around if your bike is ruined and your body is too injured to perform that kind of physical activity.

The consequences of this accident may be with you forever, and we want to say how sorry we are that you have to deal with it. At Perenich The Law Firm, we want to help you get compensation for your injuries in the fullest amount to help you go back to your normal life, or as close to it as you can get. After learning more about your claim, we would be more than happy to sit down with you to discuss your case during a free consultation.

## WHAT TO DO AFTER AN ACCIDENT

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The first moments after an accident are vital to your wellbeing and your claim. The priority over absolutely anything else is your health and your safety. If you are in a life-threatening situation, you need to seek medical attention. You might even be taken away on an ambulance if you were knocked unconscious upon impact. If it is not a life or death emergency, and you won't be worsening your condition, you should stay on the scene and collect evidence for future reference but only if you are able to.

The evidence that will need to be collected mainly comes in the form of videos and photos that you take. You will also want contact information from the witnesses at the scene as well as insurance information from the driver who hit you. Again, if you're not able to stay at the scene, you can have a friend, family member, or attorney collect evidence for you. The police should also be called on the scene and they will do their due diligence as well.

# HOW COMPENSATION WORKS

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In the state of Florida, there are negligence rules that dictate how much compensation you can get in the event that you are blamed for part of the accident. For a bike accident, there can be circumstances that would put the bike rider at fault. For instance, perhaps they swerved into the road to avoid pedestrians and ended up getting hit by a car. The good news with Florida laws is that you can get compensation even if you mostly caused the accident. You will just have a reduced award. If you were responsible for 20% of the accident and you get a reward of \$10,000 then you will be able to collect \$8,000 to account for that 20% of fault you had. The way to avoid this reduction happening to you is to get a great attorney to protect your rights.



Something you should also be aware of that might relieve you is that you will get a compensation reward that is going to cover your medical bills, lost wages, and out-of-pocket expenses that you may have incurred as a result of the accident. Luckily, the amount of compensation will go up to reflect how much your injuries have set you back. Hopefully you can take ease knowing that fact. We will do everything we can to make that compensation reward as full and extensive as it should be, because you don't deserve to be financially burdened by something that didn't have to happen.

Be warned, however, that if you don't get your case rolling right away, it might hurt your chances at compensation. You have a statute of limitations of four years from the date of your accident to either bring a claim or to settle it. If you wait longer than that, you cannot be compensated. You also don't want to delay before contact an attorney because your evidence and witness memories will be compromised.

# DEALING WITH INSURANCE COMPANIES

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One sure fire way to avoid case-ruining mistakes is to avoid talking to the insurance company. They want to get a recorded statement from you after the accident and they may even call you while you're still recovering in the hospital in a vulnerable state. You don't want to give them any information. Any questions or statements they're looking for, they can ask your attorney when you hire one. Besides telling them that you were the person involved in the accident and to contact your attorney, you have absolutely no obligation to speak with them and you certainly shouldn't.



## FREQUENTLY ASKED BICYCLE ACCIDENT QUESTIONS

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### *How Do I Pick the Right Attorney?*

I'm asked many times, "What are the most important things to look for in an attorney if I've been injured in a bicycle accident?" You have to look to the reputation of the firm and the experience of the lawyer. You have to look to see what their track record is and if they are actually embedded in the community.

Those are the things that you want to look at. Our firm tries cases in this community and stands up to insurance companies when they don't want to do the right thing and pay a proper compensation.

It's important for you to know that our firm will be with you every step of the way.

## *How is a Bike Accident Different Than a Car Accident Claim?*

People often ask how a bicycle claim is different than a car accident. It's an interesting question because, on the one hand, there are certain similarities that a bicycle claim has to a car accident case. There's a four-year statute of limitations. We still have the same burden of proving negligence. It's also different because, in Florida, motor vehicles have a reasonability to watch out for pedestrians and bicyclists. It's really important that you talk to an experienced trial attorney who can take on the case, gather the evidence, and properly prosecute the claim.

## *Who Pays My Medical Bills?*

Florida law recognizes that a pedestrian including a bicyclist is indeed subject to Florida no-fault law. That means that if that person who is injured on a bicycle either being struck by a car or by potentially some other modes of transportation, that person's automobile insurance company has to pay under the no-fault law which is \$10,000 of medical benefits on an 80% basis as well as a component of lost wages of up to 60% up to that same \$10,000 under the no-fault statutes.

Your automobile insurance is critically important here. In fact, it may even apply with regard to what we call uninsured motorist coverage as well, especially if there's a hit and run situation. We frequently do look to automobile liability insurances when a person is injured on a bicycle.

It's important that you check your insurance to make sure that your coverage is adequate. If you have any question relating to whether your coverage is adequate, I urge you to contact this firm.

## *Should I Communicate with Insurance Companies?*

One of the worst things that somebody can do after they've been injured on a bicycle is talk to the insurance company for the car that hit them. That insurance

company has one goal and one goal only, which is either to minimize or eliminate any potential claim that injured client has.

Under no circumstances should a statement be given to the insurance company for the negligent motorist that causes the bicyclist to sustain an injury. There's no requirement under the law that you have to give a statement. The person who represents the insurance company never has the interest of the bicyclist in mind when they're getting that statement.

Of course, the rules of the road are going to play a large measure in determining who's negligent and who's responsible. People can make statements that they don't mean to make because they don't understand how the accident happened or they don't understand the specific laws that the motorist may have broken. You can actually jeopardize your claim in a significant and serious way by speaking to the insurance company of the motorist that caused you to suffer an injury.

## *What Mistakes Should I Avoid?*

A common mistake that people make in response to being injured while operating bicycles is that they don't contact a lawyer quickly enough. It is critical that they do so. Our firm is exceedingly responsive to the client who comes in after having suffered a bicyclist injury. The reason we do that is because we know that there is evidence that can be lost unless we vigorously and quickly investigate what that evidence is to support the claim.



Another common mistake is the bicyclist injury client doesn't select the right firm. It is critical that the person who's been injured while riding a bicycle selects a firm that knows about how to prove the case in court, how to gather that evidence to put that proof together, and of course, knows the laws that are governing traffic.

The worst common mistake is the bicyclist injury client doesn't get medical care right away. Most of the claims where somebody's been injured on a bicycle



are because they've been injured by the negligence of a motorist. That means that Florida automobile no-fault law provides a manner of paying for the medical care. They'll either get their medical bills paid through their own automobile insurance or if they don't own a car, from the automobile insurance of the car that hit them. It would be paid right away which affords the injured client to get medical care the day of the injury. Those are the three common mistakes that we see.

## *What If I Partially Caused the Accident?*

In Florida, there is something called comparative fault. When someone is partially at fault for causing their accident, we can still pursue the claim, but the issue of comparative fault may indeed apply if a jury or a judge determines that person also failed to use reasonable care under the circumstances. That's what negligence is defined as under Florida law.

If you're thinking about pursuing a claim for injuries related to a bicycle accident and you're concerned that you believe that you may have been partially responsible, it's best that you contact our firm so that we can evaluate the case to determine what, if any, comparative fault you may have had in that. We can make a determination on that. Comparative fault will apply in bicycle accidents, but it should not dissuade you from contacting our firm for us to evaluate the case to see if your injuries may still be partially or fully compensable depending upon the facts of the case in our investigation. Let us look into it for you and we'll be able to give you our best advice and recommendations.

## *How Much is My Case Worth?*

In Florida, the value of a bicycle injury claim is determined by a lot of different factors. First of all, it's important to understand that trial advocacy is more of an art than a science. We can't punch in numbers and expect a formula to come out on the other side in terms of what the value of the case is. When there's clear negligence and when the person has been severely injured, then that's typically a situation where that's a very valuable claim.

It's important to get to the bottom of those things as quickly as possible. If you've been involved in a bicycle accident, get help medically. The next thing

that you need to do is call up an experienced trial attorney who can help you to preserve the evidence and prosecute your claim.

## *How Long Will This Case Take?*

We like to distinguish our firm from other firms in that we are not in a hurry to try to get a claim resolved quickly. What drives the timeline for resolving a claim is the medical situation of our injured client.

We have to have a full and complete understanding of all of their injuries. That's called the diagnosis. That takes time because it's actually through medical care and treatment that doctors are able to formulate better defined and longstanding diagnosis of the injuries of their patients.

The doctors are going to be the witnesses who are going to tell us and ultimately a jury what the future is going to hold for our injured client. That means they have to have an opportunity to see the course of healing that the patient has and what that is going to mean for them in the future. That's what we call the prognosis of the injury.

We don't want to rush that at all. It's not that we don't want to draw out the claim or prosecute it quickly and vigorously, but we'll never do so at the expense of losing the fundamental understanding of all of the medical losses that a client may have because they need time to get that sorted out through their care treatment of their physicians.

## *How Long Do I Have to File the Claim?*

I have a client who came to me recently who was injured in a bicycle accident. She was asking how long she has to prosecute a bicycle accident claim. It's four years from the date of the accident that the claimant actually has to file a lawsuit.

Having said that, it's critically important that we not wait. Evidence fades over time and so do witnesses' memories. Opportunities are lost when the claimant waits, so it's important not to. Although there are four-years, the first thing that a person should do when they're injured in a bicycle accident is get medical



treatment. Then the next most important thing is getting an experienced trial attorney on your side.

## CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

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If you have been a victim of a bike accident in Florida, and you are seeking a strong, dedicated Tampa Bay bike accident attorney, please call our office today. We will sit down with you for a free consultation and detail what you need to know to have a successful claim. We won't give up on your case and we'll take you all the way to get you the fullest and most fair compensation award possible. You don't deserve to deal with the financial burden of an accident that could have been avoided. We will champion your case.



## CREATED BY PERENICH THE LAW FIRM

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Brothers and founding partners of PERENICH The Law Firm, Greg, Tim, and Terence maintain their mission to continue the legacy their father, Guy Perenich, began decades before. Together, the brothers

reaffirm their connection to the community they've always called home, through the vocation of legal advocacy, in service to righting the wrongs of injustice.

PERENICH The Law Firm was built upon a foundation of values and principles Guy Perenich taught his sons. Today Greg, Tim and Terence carry on their father's legacy to bring justice to all members of our Tampa Bay community.

We are a family of trial lawyers at PERENICH The Law Firm with deep ties to Clearwater and communities throughout Tampa Bay. For decades, we have

built strong bonds and formed lasting relationships with our clients, continuing a multi-generational commitment to helping those seeking recovery and justice.

Our family is dedicated to protecting your family, just as we would our own. Whether an experienced personal injury attorney is needed to enforce your rights after an auto accident, or you need expert legal representation to protect your home in foreclosure or bankruptcy, the attorneys of PERENICH The Law Firm are committed, experienced, effective, reliable Tampa Bay area bankruptcy and accident injury lawyers.

**PERENICH** the  
law firm  
tampa bay personal injury attorneys